

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Improving Public Safety Communications in the 800 MHz Band</b>	)	
	)	
	)	
<b>Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels</b>	)	WT Docket No. 02-55
	)	DA 03-19

**REPLY COMMENTS OF RURAL CELLULAR ASSOCIATION**

Rural Cellular Association ("RCA")<sup>1</sup>, by its attorney, respectfully submits these Reply Comments in response to the Commission's Public Notice<sup>2</sup> of the "*Supplemental Comments of the Joint Commenters*" submitted to the Commission on December 24, 2002.

It has come to the attention of RCA that a prominent wireless network equipment supplier advises that the Commission's adoption of the Joint Commenters' proposal would result in a need for certain cellular systems using frequency Block A to retrofit cell sites in order to avoid interference to ongoing cellular operations.<sup>3</sup> Cell site equipment of a particular model and outfitted

---

1 RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately 14.6 million people reside. RCA was formed in 1993 to address the distinctive issues facing wireless service providers.

2 *Wireless Telecommunications Bureau Seeks Comment on "Supplemental Comments of the Consensus Parties" Filed in the 800 MHz Public Safety Interference Proceeding, WT Docket No. 02-55, DA 03-19 (rel. January 3, 2003) ("Public Notice")*.

3 RCA is not a party to correspondence dated February 11, 2003 from the network equipment supplier to the Block A cellular system operator that brought the matter to RCA's attention. Should the Commission desire to inspect such correspondence it may direct an inquiry to Alpine PCS, 10234 Democracy Boulevard, Potomac, Maryland 20854, Attn. Art Prest. This matter came to the attention of RCA, and to its member, only after the date for filing initial comments in response to the Public Notice had passed. The issue is of such a consequential nature to Block A cellular operators that RCA considered it important to bring it to the Commission's attention in these

with a normal filter option that renders the equipment fully compliant at this time would no longer be compliant, absent the purchase of new cavity combiner combinations. Only cellular Block A, not Block B, operators would be affected. The cost of retrofitting each affected cell site is estimated at between \$3,000.00 and \$5,000.00.


Assuming the vendor's information is accurate, RCA submits that the Commission should not allow one wireless service provider, Nextel, to benefit from the rebanding proposal at the expense of another group of wireless service operators. The potential exposure of the Block A cellular carriers is a function of system size, but even a relatively small operator such as the RCA member in receipt of the vendor's notice would be faced with a \$200,000 to \$300,000 cost to retrofit equipment that is now fully compliant. The inequity is apparent, and while cellular Block B and PCS carriers would escape exposure altogether, cellular Block A carriers would bear the responsibility to modify equipment.

If the Commission adopts any or all of the proposals before it, the Commission should also require Nextel to bear the full cost of retrofitting cell site equipment that would be impacted and rendered non-compliant with applicable operating standards. The Commission's microwave relocation reimbursement procedures could be examined as a model for the plan. Nextel's offer of \$850 million as a funding commitment, including a \$150 million limit on non-Public Safety funding, appears inadequate to cover potential costs that are now expected to arise from the Joint Commenters' plan. The Commission must not overlook the impact upon cellular Block A operators that operate in every market of the country and serve literally millions of customers.

There are alternatives to the proposal advanced by the Joint Commenters, among them a proposal put forward by the Cellular Telecommunications & Internet Association in its Comments in this matter.<sup>4</sup> In no event should one group of wireless operators that competes with Nextel be obligated to accept a financial burden associated with the plan's implementation.

Respectfully submitted,

**RURAL CELLULAR ASSOCIATION**



---

David L. Nace  
Its Attorney

Lukas, Nace, Gutierrez & Sachs, Chartered  
1111 19th Street, N.W.  
Suite 1200  
Washington, D.C. 20036  
(202) 857-3500

February 25, 2003

---

4 CTIA Comments, pp. 11-15.

## **CERTIFICATE OF SERVICE**

I, Loren Costantino, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 25th day of February, 2003, sent by hand-delivery, a copy of the foregoing REPLY COMMENTS OF RURAL CELLULAR ASSOCIATION to the following:

Michael K. Powell, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 8-B201  
Washington, DC 20554

Kathleen Q. Abernathy, Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 8-B115  
Washington, DC 20554


Michael J. Copps, Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 8-A302  
Washington, DC 20554

Kevin J. Martin, Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 8-A204  
Washington, DC 20554

Jonathan S. Adelstein, Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 8-C302  
Washington, DC 20554

John Muleta, Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 3-C252  
Washington, D.C. 20554

Qualex International\*  
Portals II  
445 12th Street, S.W., CY-B402  
Washington, D.C. 20554  
qualexint@aol.com

  
Loren Costantino

\*via email